

ESTTA Tracking number: **ESTTA772787**

Filing date: **09/26/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Milwaukee Brewers Baseball Club, Limited Partnership
Granted to Date of previous extension	09/25/2016
Address	Miller Park One Brewers Way Milwaukee, WI 53214 UNITED STATES
Attorney information	Dana Breitman Kilpatrick Townsend & Stockton LLP The Grace Building 1114 Avenue of the Americas New York, NY 10036-7703 UNITED STATES dbreitman@ktslaw.com, bbryner@ktslaw.com, kseigel@ktslaw.com, jburns@ktslaw.com, tmadmin@ktslaw.com Phone:212-775-8700

Applicant Information

Application No	86610579	Publication date	03/29/2016
Opposition Filing Date	09/26/2016	Opposition Period Ends	09/25/2016
Applicants	<p>Kevin Merritt 293 Whippoorwill Dr. Raynham, MA 02767 UNITED STATES</p> <p>Tammy Merritt 293 Whippoorwill Dr. Raynham, MA 02767 UNITED STATES</p> <p>Vincent K. Merritt 39 Wintergreen Dr. Merrimack, NH 03054 UNITED STATES</p>		


Goods/Services Affected by Opposition


Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cups, drinking glasses, and mugs
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, sweatshirts, sweatpants, t-shirts, shorts, jackets, scarves, head wear and footwear
Class 032. First Use: 2015/01/16 First Use In Commerce: 2015/01/16 All goods and services in the class are opposed, namely: Beverages, namely, beer and ale

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3906135	Application Date	06/06/2008
Registration Date	01/18/2011	Foreign Priority Date	NONE
Word Mark	BREW CREW		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Promoting baseball, baseball games, baseball exhibitions and baseball history, entertainment services in the nature of live entertainers in connection with baseball game promotions and fan entertainment</p> <p>Class 041. First use: First Use: 1978/12/31 First Use In Commerce: 1978/12/31 Entertainment services, namely, baseball games, competitions, tournaments and exhibitions rendered live and through broadcast media including television, radio, satellite, wireless, audio and video media, telephone, fiber optics, wireless fidelity and other electronic media and via a global computer network or a commercial on-line service, mobile telephone or other electronic or digital communications network or device</p>		


U.S. Registration No.	3653436	Application Date	06/06/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	BREW CREW		
Design Mark			
Description of Mark	NONE		


Goods/Services	Class 025. First use: First Use: 1979/12/31 First Use In Commerce: 1979/12/31 Clothing, namely, T-shirts and caps		
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U.S. Registration No.	1062749	Application Date	04/28/1976
Registration Date	04/05/1977	Foreign Priority Date	NONE
Word Mark	BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1968/05/15 First Use In Commerce: 1968/05/15 PROGRAMS, BROCHURES, SCORE CARDS, PHOTOGRAPHS, AND TICK-ETS		

U.S. Registration No.	1064673	Application Date	04/28/1976
Registration Date	04/26/1977	Foreign Priority Date	NONE
Word Mark	BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1968/05/15 First Use In Commerce: 1968/05/15 ENTERTAINMENT SERVICES-NAMELY, THE OPERATION OF A MAJOR LEAGUE BASEBALL TEAM		

U.S. Registration No.	1543238	Application Date	08/05/1988
Registration Date	06/13/1989	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		


Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [NOVELTY ITEMS, NAMELY, MONEY CLIPS, KEY CHAINS AND KEY RINGS]</p> <p>Class 009. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 [THERMOMETERS]</p> <p>Class 014. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 [CLOCKS AND WATCHES]</p> <p>Class 016. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [PAPER GOODS AND PRINTED MATTER, NAMELY, BASEBALL CARDS, STICKERS, BASEBALL CARD COLLECTOR CASES, AND STICKER ALBUMS]</p> <p>Class 020. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [ORNAMENTAL NOVELTY ITEMS, NAMELY, MUSICAL CELLULOID BUTTONS AND LAPEL PINS]</p> <p>Class 021. First use: First Use: 1983/00/00 First Use In Commerce: 1983/00/00 [ALUMINUM CONTAINERS AND BEVERAGE CONTAINERS, NAMELY, WASTERPAPER BASKETS, CUPS AND MUGS]</p> <p>Class 024. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 FABRICS, NAMELY, CLOTH PENNANTS, BEACH TOWELS, BATH TOWELS [AND BEDSPREADS]</p> <p>Class 026. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 [BELT BUCKLES AND EMBROIDERED PATCHES FOR CLOTHING]</p> <p>Class 028. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [CHRISTMAS ORNAMENTS]</p>		
U.S. Registration No.	1549040	Application Date	08/05/1988
Registration Date	07/25/1989	Foreign Priority Date	NONE


Word Mark	MILWAUKEE BREWERS
Design Mark	 The logo for the Milwaukee Brewers, featuring the word "Milwaukee" in a stylized script font above the word "BREWERS" in a bold, blocky, outlined font.
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [FLASHLIGHTS] Class 016. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 [PAPER GOODS AND PRINTED MATTER, NAMELY, BASEBALL CARDS AND TRADING CARDS] Class 021. First use: First Use: 1983/00/00 First Use In Commerce: 1983/00/00 [BEVERAGE CONTAINERS, NAMELY, CUPS AND MUGS] Class 024. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 FABRICS, NAMELY, BEACH TOWELS, BATH TOWELS AND CLOTH PENNANTS

U.S. Registration No.	1607533	Application Date	11/14/1989
Registration Date	07/24/1990	Foreign Priority Date	NONE
Word Mark	BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 CLOTHING, NAMELY, SHIRTS, SHORTS, [DIAPERS, DRESSES, SKIRTS] [JOGGING SUITS,] SOCKS, [UNDERWEAR,] JACKETS, [SWEATERS,] [VESTS,] PANTS, [PONCHOS,] VISORS, [RAINCOATS], CAPS, BIBS, INFANTWEAR, [COATS,] TIES, [MEN'S] [AND WOMEN'S] [FORMALWEAR, PAJAMAS,] SWEATSHIRTS, [MITTENS, GLOVES, KNITTED HEADWEAR], [SCARVES,] HOSIERY, [WRISTBANDS,] [HEADBANDS,] ROBES, [APRONS] AND SHOES		


U.S. Registration No.	1858923	Application Date	05/07/1993
Registration Date	10/18/1994	Foreign Priority Date	NONE
Word Mark	BERNIE BREWER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1993/01/15 First Use In Commerce: 1993/01/15 entertainment services in the nature of baseball exhibitions		

U.S. Registration	2542640	Application Date	11/01/2000
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No.			
Registration Date	02/26/2002	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/04/03 First Use In Commerce: 2000/04/03 CLOTHING, NAMELY, CAPS, HEADWEAR, SHIRTS, T-SHIRTS, TURTLE-NECKS, SHORTS, BASEBALL UNIFORMS, JERSEYS, SWEATSHIRTS, [BOXER SHORTS,] SLEEPWEAR, JACKETS, INFANTWEAR, CLOTH DIAPER SETS WITH UNDERSHIRT AND DIAPER COVER, ROMPERS, [ONESIES,] COVERALLS, FOOTWEAR, SOCKS		


U.S. Registration No.	2549755	Application Date	03/02/2001
Registration Date	03/19/2002	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2000/04/03 First Use In Commerce: 2000/04/03 PAPER GOODS AND PRINTED MATTER, NAMELY, TRADING CARDS, PLAYING CARDS, POSTERS, STICKERS, DECALS, TEMPORARY TATTOOS, BUMPER STICKERS, SCORECARDS, PRINTED BASEBALL GAME PROGRAMS, MAGAZINES AND BOOKS FEATURING BASEBALL, BINDERS, STATIONERY FOLDERS, PREPRINTED AGENDA ORGANIZERS, AUTOGRAPH		


	BOOKS, [BOOK COVERS,] CALENDARS, GREETING CARDS, BANK CHECKS, [CREDIT CARDS WITHOUT MAGNETIC CODING,] GIFT WRAPPING PAPER, [PAPER GIFT AND PARTY BAGS, PAPER COASTERS, PAPER NAPKINS, PAPER TABLECLOTHS,] LITHOGRAPHS, PAPERWEIGHTS, [LETTER OPENERS,] PENS, PENCILS, [NON-ELECTRIC ERASERS, AND UNGRADUATED RULERS]
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U.S. Registration No.	2623286	Application Date	09/29/2000
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2000/04/03 First Use In Commerce: 2000/04/03 ENTERTAINMENT SERVICES, NAMELY, BASEBALL GAMES, COMPETITIONS AND EXHIBITIONS RENDERED LIVE, THROUGH BROADCAST MEDIA INCLUDING TELEVISION AND RADIO AND VIA A GLOBAL COMPUTER NETWORK OR A COMMERCIAL ON-LINE SERVICE; PROVIDING INFORMATION IN THE FIELD OF SPORTS, ENTERTAINMENT AND RELATED TOPICS AND PROVIDING FOR INFORMATIONAL MESSAGES RELATING THERETO; PROVIDING MULTI-USER INTERACTIVE COMPUTER GAMES, ALL VIA A GLOBAL COMPUTER NETWORK OR ACOMMERCIAL ON-LINE SERVICE; EDUCATION SERVICES IN THE NATURE OF BASEBALL SKILLSINSTRUCTION		


U.S. Registration No.	2789452	Application Date	01/04/2002
Registration Date	12/02/2003	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00 ELECTRICAL AND SCIENTIFIC APPARATUS, NAMELY, [BINOCULARS, CALCULATORS,] ELECTRIC SWITCH PLATE COVERS; LUMINOUS SIGNS; NEON SIGNS; DECORATIVE MAGNETS; [COMPUTER SOFTWARE, NAMELY, SCREEN SAVERS;] COMPACT DISC CASES, VIDEO AND COMPUTER GAME CARTRIDGES, VIDEO AND COMPUTER GAME DISCS, [VIDEO AND COMPUTER GAME CASSETTES,] COMPUTER GAME PROGRAMS IN THE FIELD OF BASEBALL; [PROTECTIVE HELMETS, CATCHERS HELMETS]

U.S. Registration No.	3326874	Application Date	11/23/2005
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 Jewelry, namely, bracelets, charms, earrings, rings, belly rings, necklaces, pendants, watches, costume jewelry, rubber or silicone bracelets and wristbands, medallions, ornamental metal pins, lapel pins, metal belt buckles of precious metal, money clips of precious metal, key chains of precious metal, key rings of precious metal, clocks, wall clocks, alarmclocks, [fob watches, clock key chain- sof precious metal,] and non-monetary coins of precious metal		


U.S. Registration No.	3326875	Application Date	11/23/2005
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 028. First use: First Use: 1983/00/00 First Use In Commerce: 1983/00/00</p> <p>Toys and sporting goods, namely, stuffed toys, plush toys, foam toys, foam novelty items, namely, foam fingers, puppets; balloons, board games, card games, playing cards, dart boards and dart board accessories, namely, darts, dart shafts and dart flights, toy cars and trucks, [toy mobiles,] jigsaw and manipulative puzzles, toy banks, toy figures, toy vehicles, dolls and doll accessories, bobbing head dolls, inflatable baseball bats, [miniature baseball bats,] mini batting helmet replicas, toy necklaces, miniature toy baseballs, baseballs, holders for baseballs, autographed baseballs, footballs, [softballs, playground balls, rubber action balls,] golf balls, golf club head covers, [golf putters,] billiard accessories, namely, cues, billiard balls, baseball bases, baseball bats, catcher's masks, baseball gloves, inflatable toys; costume masks; Christmas tree ornaments, excluding confectionery and illumination articles, and Christmas stockings</p>		


U.S. Registration No.	3353761	Application Date	11/23/2005
Registration Date	12/11/2007	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2000/04/00 First Use In Commerce: 2000/04/00 Jewelry, namely, bracelets, charms, earrings, rings, belly rings, necklaces, pendants, watches, costume jewelry, rubber or silicone bracelets and wristbands, medallions, ornamental metal pins, lapel pins, metal belt buckles of precious metal, money clips of precious metal, key chains of precious metal, key rings of precious metal, clocks, wall clocks, alarmclocks, [fob watches, clock key chains,] and non-monetary coins of precious metal


U.S. Registration No.	3525776	Application Date	11/23/2005
Registration Date	10/28/2008	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		
Design Mark			


Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 2003/06/03 First Use In Commerce: 2003/06/03 Athletic bags, overnight bags, backpacks, duffel bags, tote bags, beach bags, knapsacks, attachÃ© cases, briefcases, purses, wallets, billfolds, [fanny packs, waist packs,] cosmetic cases sold empty, toiletry cases sold empty, business card cases, luggage, luggage tags, suitcases, umbrellas, dog collars, dog leashes

U.S. Registration No.	3736773	Application Date	06/11/2009
Registration Date	01/12/2010	Foreign Priority Date	NONE
Word Mark	CERVECEROS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/07/17 First Use In Commerce: 2006/07/17 Clothing, namely, jerseys, shirts		

U.S. Registration No.	3799444	Application Date	10/28/2009
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	CERVECEROS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2006/03/29 First Use In Commerce: 2006/03/29 Entertainment services, namely, organizing and conducting an array of athletic events rendered live or recorded for distribution through broadcast media; Organizing community sporting and cultural events; Entertainment in the nature of live performances by costumed mascots and musical groups, Festivals featuring		

	a variety of sports and entertainment activities		
U.S. Registration No.	4069471	Application Date	09/02/2010
Registration Date	12/13/2011	Foreign Priority Date	NONE
Word Mark	BREWERS COMMUNITY FOUNDATION, INC.		
Design Mark			
Description of Mark	The mark consists of a stylized design of a baseball over two strands of barley and over the word "BREWERS" in stylized form and the words "COMMUNITY FOUNDATION, INC." in block letter form all surrounded by a rectangular frame.		
Goods/Services	<p>Class 036. First use: First Use: 2010/02/00 First Use In Commerce: 2010/02/00 Charitable fundraising services; Funding youth baseball and softball programs; Providing grants to non-profit organizations in the form of cash; Providing college scholarships; Funding holiday food and gift donations; Sharing profits from the production and sale of holiday cards for charitable initiatives; Conducting programs to raise funds for breast cancer awareness and research; all of the foregoing relating to community outreach activities of a sports team</p> <p>Class 041. First use: First Use: 2010/02/00 First Use In Commerce: 2010/02/00 Organizing youth baseball and softball programs; Educational services, namely, arranging and conducting seminars, forums, classes, workshops and programs in the field of baseball, coaching and instruction, confidence building and sportsmanship; Providing grants to non-profit organizations in the form of tickets to individuals and groups and player appearances; Arranging and conducting walking and running events to promote health and fitness; Arranging and conducting education programs in the areas of reading, literacy and mathematics; Providing tickets and positive recognition to students who demonstrate academic achievement and effort; Providing educational speakers and appearances by players, coaches, and staff to promote community values, education programs and fiscal responsibility; charitable services, namely, hosting local children at baseball games; all of the foregoing relating to community outreach activities of a sports team</p>		
U.S. Registration No.	4338784	Application Date	10/15/2012

Registration Date	05/21/2013	Foreign Priority Date	NONE
Word Mark	BREWERS MINI MARATHON		
Design Mark			
Description of Mark	The mark consists of the word "BREWERS" in stylized script lettering set forth above the words "MINI MARATHON" in stylized uppercase lettering; the stylized image of the sole of a sneaker the texture of which is comprised of baseball graphics appears to the right of the foregoing words; the stylized image of two strands of barley appears below the heel of the sole design.		
Goods/Services	Class 041. First use: First Use: 2012/04/09 First Use In Commerce: 2012/04/09 ORGANIZING, ARRANGING, AND CONDUCTING RUNNING AND ATHLETIC EVENTS; ENTERTAINMENT SERVICES IN THE NATURE OF ORGANIZING AND CONDUCTING COMMUNITY FESTIVALS, NAMELY, TAILGATING EVENTS; ENTERTAINMENT SERVICES, NAMELY, BASEBALL EXHIBITIONS		

U.S. Registration No.	2546834	Application Date	02/05/2001
Registration Date	03/12/2002	Foreign Priority Date	NONE
Word Mark	MILWAUKEE BREWERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2000/04/03 First Use In Commerce: 2000/04/03 TOYS AND SPORTING GOODS, NAMELY, STUFFED TOYS, PLUSH TOYS, BEAN BAG TOYS, BEAN BAGS, [CHECKER SETS, BOARD GAMES,] DART		

	BOARDS AND DART BOARD ACCESSORIES, TOYCARS AND TRUCKS, [IN-FLATABLE BASEBALL BATS,] TOY BASEBALL BATS, BALLOONS, PUZZLES, NAMELY, MANIPULATIVE PUZZLES AND JIGSAW PUZZLES, TOY TATTOOS, DECORATIVE WIND SOCKS, MINI BATS, VIDEO GAME CARTRIDGES, COMPUTER GAME PROGRAMS AND [HELD VIDEO AND ELECTRONIC GAMES,] BASEBALLS AND HOLDERS FOR BASEBALLS, AUTOGRAPHED BASEBALLS, [BASKETBALLS,] PLAYGROUND BALLS, RUBBER ACTION BALLS, GOLF BALLS, [BASEBALL BATES,] BASEBALL MITTS, [CATCHER'S MASK, PARTY FAVORS IN THE NATURE OF NOISE MARKERS,] AND CHRISTMAS TREE ORNAMENTS
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Attachments	77493158#TMSN.png(bytes) 77493165#TMSN.png(bytes) 73744368#TMSN.png(bytes) 73744405#TMSN.png(bytes) 76157789#TMSN.png(bytes) 76219277#TMSN.png(bytes) 76138422#TMSN.png(bytes) 76355688#TMSN.png(bytes) 78760109#TMSN.png(bytes) 78760113#TMSN.png(bytes) 78760125#TMSN.png(bytes) 78760128#TMSN.png(bytes) 77757914#TMSN.png(bytes) 77859585#TMSN.png(bytes) 85121553#TMSN.png(bytes) 85753880#TMSN.png(bytes) 76205149#TMSN.png(bytes) Notice of Opposition to CRUE BREW.pdf(26496 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Dana Breitman/
Name	Dana Breitman
Date	09/26/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/610,579
Filed: April 27, 2015
For Mark: CRUE BREW
Published in the Official Gazette: March 29, 2016

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MILWAUKEE BREWERS BASEBALL CLUB,	:	
LIMITED PARTNERSHIP,	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
KEVIN MERRITT, TAMMY MERRITT, and	:	<u>NOTICE OF OPPOSITION</u>
VINCENT K. MERRITT	:	
Applicant.	:	
-----X		

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Milwaukee Brewers Baseball Club, Limited Partnership (“Opposer”), a Wisconsin limited partnership, located at Miller Park, One Brewers Way, Milwaukee, Wisconsin 53214, believes that it will be damaged by registration of the standard character word mark CRUE BREW for “cups, drinking glasses, and mugs” in International Class 21; for “clothing, namely, sweatshirts, sweatpants, t-shirts, shorts, jackets, scarves, head wear and footwear” in International Class 25; and for “beverages, namely, beer and ale” in International Class 32 (“Applicant’s Goods”) as shown in Application Serial No. 86/610,579 (the “Application”), and having been granted extensions of time to oppose up to and including September 25, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned MILWAUKEE BREWERS MAJOR LEAGUE BASEBALL club.

2. Since long prior to January 16, 2015, Applicant's first use date for the goods in International Class 32, and long prior to April 27, 2015, Applicant's constructive first use date for the goods in International Class 21 and the goods in International Class 25, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names and marks BREW CREW, BREWER and BREWERS, alone or with other word, letter and/or design elements (the "Opposer's BREW CREW and BREWERS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, wine, champagne, beer, soda, beverage containers, concessions, clothing, including, without limitation, t-shirts and hats, sporting goods, toys, printed and paper matter and novelty items, and Opposer, fans, consumers, the press, media and public have long referred to Opposer's club as the BREW CREW.

3. Opposer owns U.S. federal registrations for Opposer's BREW CREW and BREWERS Marks in International Classes 9, 14, 16, 18, 24, 25, 28, 35, 36 and 41; namely, Registration Nos. 3,906,135; 3,653,436; 1,062,749; 1,064,673; 1,543,238; 1,549,040; 1,607,533; 1,858,923; 2,542,640; 2,546,834; 2,549,755; 2,623,286; 2,789,452; 3,326,874; 3,326,875; 3,353,761; 3,525,776; 3,736,773; 3,799,444; 4,069,471 and 4,338,784 for said trademarks and service marks. Registration Nos. 1,062,749, 1,064,673, 1,543,238, 1,549,040, 1,607,533, 1,858,923, 2,623,286, 3,326,874, 3,326,875, 3,353,761, 3,525,776, 3,736,773 and 3,799,444 are incontestable.

4. Since long prior to January 16, 2015, Applicant's first use date for the goods in International Class 32, and long prior to April 27, 2015, Applicant's constructive first use date

for the goods in International Class 21 and the goods in International Class 25, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's BREW CREW and BREWERS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, wine, champagne, beer, soda, beverage containers, concessions, clothing, including, without limitation, t-shirts and hats, sporting goods, toys, printed and paper matter and novelty items, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's BREW CREW and BREWERS Marks, Opposer has built up highly valuable goodwill in Opposer's BREW CREW and BREWERS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On April 27, 2015, Applicant filed the Application for Applicant's Mark in connection with "cups, drinking glasses, and mugs," in International Class 21 based on an intent to use; for "clothing, namely, sweatshirts, sweatpants, t-shirts, shorts, jackets, scarves, head wear and footwear," in International Class 25 based on an intent to use; and for "beverages, namely, beer and ale," in International Class 32 based on actual use.

7. Upon information and belief, Applicant did not use Applicant's Mark for Applicant's Goods in United States commerce prior to January 16, 2015.

8. Applicant's Goods are identical and/or closely related to the goods offered and services rendered in connection with Opposer's BREW CREW and BREWERS Marks.

9. Applicant's Mark so resembles Opposer's BREW CREW and BREWERS Marks as to be likely, when used in connection with Applicant's Goods, to cause confusion, to cause

mistake, and to deceive the trade and public, who are likely to believe that Applicant's Goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

10. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's Mark, which is the same as and/or a close approximation of Opposer's BREW CREW and BREWERS Marks, and which points uniquely to Opposer, when used in connection with the Applicant's Goods, would falsely suggest a connection between Applicant, which has no connection with or authorization from Opposer, and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's CRUE BREW mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorney for Opposer in this proceeding William M. Bryner (member of the bar of the State of North Carolina), Dana Breitman (member of the bar of the State of New York) and the firm Kilpatrick Townsend & Stockton LLP, The Grace Building, 1114 Avenue of the Americas, New York, New York 10036-7703.

Please address all communications to Dana Breitman, Esq. at the address listed below.

Dated: New York, New York
September 26, 2016

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP
Attorney for Opposer

By: /Dana Breitman/
Dana Breitman
The Grace Building
1114 Avenue of the Americas

New York, New York
10036-7703
(212) 775-8700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 26, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney of Record and Correspondent, Brendan M. Shortell, Lambert & Associates, 92 State St. Ste. 200, Boston, Massachusetts, 02109-2004.

/Dana Breitman/
Dana Breitman